

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Kevin Marvey Neal,	:	
	:	Civil Case No. 2: 08-CV-01178
Petitioner	:	Criminal No. 2: 04-CR-00197
v.	:	Judge Smith
United States of America,	:	Magistrate Judge Abel
Respondent	:	

ORDER

Petitioner Kevin Marvey Neal, brings this action under 28 U.S.C. §2255 challenging the sentence he received for his August 24, 2005 conviction for one count of conspiracy to possess with intent to distribute more than one kilo of heroin in violation of 21 U.S.C. §846. This matter is before the Court on Magistrate Judge Abel's December 29, 2008 Report and Recommendation that the petition for writ of habeas corpus under 28 U.S.C. §2255 be denied as barred by the one-year statute of limitations under 28 U.S.C. § 2255, 6th paragraph.

No objections to the Report and Recommendation have been filed. Upon *de novo* review as required by 28 U.S.C. §636(b)(1)(B), the Court ADOPTS the Report and Recommendation.

The petition for writ of habeas corpus is DENIED. This action is hereby
DISMISSED. The Clerk of Court is DIRECTED to enter JUDGMENT for respondent.

s/ George C. Smith
George C. Smith
United States District Judge